



Image

1732

PATENT
ATTORNEY DOCKET NO.: 056647-5001-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
John MISSELBROOK)	
)	
Application No.: 09/889,827)	Group Art Unit: 1732
)	
Filed: November 28, 2001)	Examiner: Eashoo, Mark
)	
For: PROCESS FOR PRODUCING)	
GRANULES)	

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response to the Office Action dated March 10, 2004.
2. Additional Documents Attached::

PTO-1449 with 10 references
Copy of Opposition

2. Extension of Time

The proceedings herein are for a patent application and the provisions of
37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this
conditional petition is being made to provide for the possibility that applicant has
inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$ 210.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$ 1,480.00	\$ 740.00

Extension of time fee due with this request: \$_____.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for _____ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).



4. Fee Calculation (37 C.F.R. §1.16)

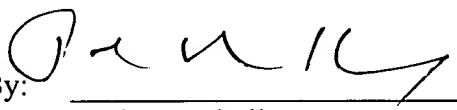
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus			x \$18 each=	+ \$
Independent Claims (37 C.F.R. §1.16(b))		minus			x \$86 each=	+ \$
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$
SUB-TOTAL =						\$
Reduction by ½ for filing by a small entity						- \$
TOTAL FEE =						\$

5. Fee Payment

- ☐ No fee is to be paid at this time.
- ☐ Charge Deposit Account No. 50-0310 in the amount of \$_____ for _____.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
Paul N. Kokulis
Reg. No. 16,773

Dated: March 31, 2004

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Atty. Dkt. No. 056647-5001-US

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In re Application of)	
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John MISSELBROOK)	
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Serial No.: 09/889,827)	Group Art Unit: 1732
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Filed: November 28, 2001)	Examiner: Eashoo, Mark
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Title: PROCESS FOR PRODUCING)	
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

In response to the Office Action of March 10, 2004, the applicant elects the Group I claims, i.e. claims 1-17. The Examiner has the applicant's permission to cancel non-elected claim 18 for the purpose of allowing the application.

Attached for the Examiner's information and consideration is a copy of opposition filed against the applicant's corresponding European patent (EP No. 1161145). The opposition has been filed by a party against whom infringement litigation in Italy is currently in progress.

Also attached are copies of the references on which the opposition is based with PTO-1449 listing the same.

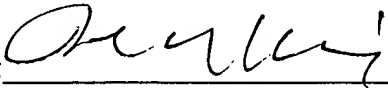
The Examiner is requested to consider the attachments in the examination of this application.

Favorable action on the elected claims is requested.

The Examiner may contact the undersigned by telephone at 202-739-5455 to discuss any issues relating to this application.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

Paul N. Kokulis
Reg. No. 16,773

Date: March 31, 2004

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